



Federal Communications Commission
Washington, D.C. 20554
December 18, 2012

Ms. Kelby Brick
2118 Stonewall Road
Catonsville, MD 21228

RE: FCC # IC 12-C00418862, 12-C00418877, 12-C00417502 & 12-C00417503
(Verizon, WBAL and WBFF)

Dear Ms. Brick,

This letter is in reference to the informal complaint, referenced above, that you filed with the Federal Communications Commission (Commission). A copy of your complaint is enclosed. The complaint implicates the Commission's rules requiring closed captioning. See Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1 *et seq.* Pursuant to the informal complaint process set forth in section 79.1 (g) of the Commission forwarded your informal complaint to the company named in the complaint, along with a Notice of Informal Complaint (NOIC). The NOIC instructed the company to file a response within 30 days of the date of the NOIC, and to send you a copy their response.

We have reviewed the informal complaint, the company's response and supporting evidence if warranted, and other information relevant to the claims made in the complaint. Based on the record, we find that the concerns you raised in your complaint have been addressed and, consistent with the complaint provisions of section 79.1 (g), no further action is required by the Commission. If you are still experiencing captioning problems, please file a new informal complaint using FCC Form 2000C an on-line complaint form found at the web site: www.fcc.gov/cgb/complaints.html. Please include detailed information e.g., the specific movie titles, dates and times.

Under the 21st Century Communications and Video Accessibility Act, there is a provision to improve user interfaces so consumers can access captions more easily. The Commission is in the process of drafting these rules. To stay informed about this and other disability issues, you may subscribe to a listserve provided by the Disability Rights Office. To do so send an email to Accessinfo@fcc.gov with the word "subscribe" in the subject line.

If you have any questions about this matter, please do not hesitate to write us at 445 12th Street, SW, Washington, D.C. 20554, or call us at 1-888-CALL-FCC (1-888-225-5322). TTY users may dial 1-888-835-5322.

Sincerely,

Susan Kimmel, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl.

Kennicutt, Deidre (DEEDEE)

From: Kennicutt, Deidre (DEEDEE)
Sent: Monday, November 05, 2012 4:13 PM
To: 'kelby@brick.fm'
Cc: Wright, Bradley W (BRAD); 'susan.kimmel@fcc.gov'; 'Solita Griffis'
Subject: FiOS TV Closed Caption Complaint 12-C00417503-1



Received & Inspected
NOV 13 2012
FCC Mail Room

November 5, 2012

Kelby Brick
2118 Stonewall Road
Catonsville, Md 21228

Delivery via email: kelby@brick.fm

Dear Kelby Brick,

Reference: FiOS TV Closed Caption Complaint 12-C00417503-1

I am responding to your complaint regarding missing closed captioning August 12, 2012, on NFL Network Channel 588 while watching the Indianapolis Colts vs. St. Louis Rams game.

Verizon has investigated the issue and has determined that there were no technical issues with the Verizon closed captioning service on the channel and at the time that you referenced in your complaint. FiOS TV was delivering the closed captioning as provided to us by the content provider. We are not permitted to alter the closed captioning signal that is delivered to Verizon. We pass all closed captioning through to our subscribers as it is delivered to us by the various content providers.

Verizon is committed to resolving all of your closed captioning concerns and looks forward to serving you as a valued customer.

If you require immediate assistance with your closed captioning services, please contact our Fiber Solutions Center at (888)553-1555. Our technical support is waiting to assist you 24 hours a day/ seven days a week.

Very truly yours,

DeeDee Kennicutt
Section Manager, Verizon

11/5/2012

Solita Griffis

From: Kennicutt, Deidre (DEEDEE) [deidre.kennicutt@verizon.com]
Sent: Monday, November 05, 2012 4:13 PM
To: kelby@brick.fm
Cc: Wright, Bradley W (BRAD); Susan Kimmel; Solita Griffis
Subject: FiOS TV Closed Caption Complaint 12-C00417503-1



November 5, 2012

Kelby Brick
2118 Stonewall Road
Cafonsville, Md 21228

Delivery via email: kelby@brick.fm

Dear Kelby Brick,

Reference: FiOS TV Closed Caption Complaint 12-C00417503-1

I am responding to your complaint regarding missing closed captioning August 12, 2012, on NFL Network Channel 588 while watching the Indianapolis Colts vs. St. Louis Rams game.

Verizon has investigated the issue and has determined that there were no technical issues with the Verizon closed captioning service on the channel and at the time that you referenced in your complaint. FiOS TV was delivering the closed captioning as provided to us by the content provider. We are not permitted to alter the closed captioning signal that is delivered to Verizon. We pass all closed captioning through to our subscribers as it is delivered to us by the various content providers.

Verizon is committed to resolving all of your closed captioning concerns and looks forward to serving you as a valued customer.

If you require immediate assistance with your closed captioning services, please contact our Fiber Solutions Center at (888)553-1555. Our technical support is waiting to assist you 24 hours a day/ seven days a week.

Very truly yours,

DeeDee Kennicutt
Section Manager, Verizon

11/6/2012

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

September 19, 2012
(Brick) (Verizon Fios/Closed Captioning)
FCC Case No. 12-C00417503-1

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau



Admin 2000 [Switch to Admin1088]

HOME SERVE SEARCH NEW COMPLAINT ASSIGN ADMIN HELP DOWNLOAD
Basic Search Advanced Search

Carrier Lookup

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solita.griffis [ADMIN] Logout

RES-9/10/12

NOC Verizon

« Back to Complaints

Form 2000C (Disability Access Complaint) : 12-C00417503-1

User Form

USER FORM

Admin Comments

1 Consumer Party History

1 Consumer History

1 Form History

Edit Form

Serve Review

User Complaint Number: 12-C00417503

User Complaint Key: 12-C00417503-1

Serve Process

Complaint Source: Web

Added User: Consumer

File Attachments

Submission date: 08/13/2012

Letters

CONSUMER'S INFORMATION

Show All

First Name: Kelby

Last Name: Brick

Sub Complaints(0)

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Print Form

PO Box:

1 Address1: 2118 Stonewall Road

Address2:

1 City: Catonsville

State: MD Zip Code: 21228

1 Telephone Number(Residential or Business): (443) 341-4139 Ext:

1 Email Address: kelby@brick.fm

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? **No**
if yes, complete items a through h.
Your relationship with the party:

The party's first name:

The party's last name:

The party's daytime phone number: () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- ☐ Letter ☐ Facsimile (fax) ☐ Telephone Voice
☐ TRS (designate form of TRS and appropriate contact information)
☐ TTY ☒ Internet E-mail ☐ ASCII Text ☐ Audio-Cassette Recording ☐ Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- ☐ Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
☐ Accessibility of emergency information on television
☒ **Closed Captioning**
☐ Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Video Description (audio narrated descriptions of a TV program's key visual elements)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: NFL Network

City: State: Zip Code:

Telephone number: () -

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:
4. If your complaint is about closed captioning or emergency information on television, provide the date (mm/dd/yyyy) **08/12/2012** Time: **09:30 PM** and any details of when the event or action you are complaining about occurred: **I watched the Indianapolis Colts v. St. Louis Rams game. It was not captioned.**
5. If your complaint is about access to emergency information on television, provide the following information:
- a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):
- b. Channel (e.g., "13"):
- c. Station or subscription TV provider system location:

City: County: State:

d. Date(s) and time(s) of emergency; and time

e.

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about video description or closed captioning on television, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"); **NFL Network**

b. Channel (e.g., "13"); **588**

c. Station or subscription TV provider system location:

City: County: State: **MH**

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite): **fios**

e. If you pay to receive television programming, name of company to whom you subscribe: **verizon fios**

f. Name of program(s) involved: **Colts v. Rams on NFL Network**

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. **I watched the Indianapolis Colts v. St. Louis Rams game. It was not captioned. I seek financial penalties and financial compensation.**

Mail
Custom
above
all
complaints

THE E.W. SCRIPPS COMPANY
P.O. BOX 5380
CINCINNATI, OHIO 45201

DAVID M. GILES
VICE PRESIDENT, DEPUTY GENERAL
COUNSEL

PHONE (513) 977-3891
FAX (513) 977-3892
E-MAIL dave.giles@scripps.com

THE SCRIPPS CENTER
312 WALNUT STREET, SUITE 2800
CINCINNATI, OH 45202



SCRIPPS

Via Electronic Mail: kelby@brick.fm

November 8, 2012

Mr. Kelby Brick
2118 Stonewall Road
Catonsville, MD 21228

Re: FCC Case No. 12-C000417502-1 (Brick)

Dear Mr. Brick:

As indicated in my previous correspondence, this letter addresses the issues raised by your Informal Complaint ("Complaint") to the Federal Communications Commission, regarding WMAR-TV's ("WMAR" or the "Station") compliance with the Commission's rules requiring closed captioning.

WMAR sincerely regrets the problems you confronted while watching the Baltimore Ravens preseason game on August 9, 2012. WMAR takes seriously its responsibility to all of its viewers in the Baltimore area, and is particularly cognizant of those responsibilities that affect its hearing impaired viewers.

The Complaint asserts that there was no closed captioning during the first part of WMAR's August 9, 2012 broadcast of the Baltimore Ravens game.

Your Complaint was filed against both WMAR and WBAL. While WBAL usually broadcasts the Ravens preseason games, WBAL had a conflicting contractual obligation to air the Olympics at the time of the August 9, 2012 game. Consequently, WBAL asked WMAR to air the game. It was a unique situation, and it was the first time that WMAR had complete production responsibility for content that was actually provided by another station in town.

As a consequence, WMAR was forced to air the Ravens game without much time to prepare. Unfortunately, due to the unusual nature of the arrangement, a station employee did not make appropriate arrangements for closed captioning at the beginning of the broadcast. As soon as the oversight was brought to station management's attention, necessary arrangements were made to include closed captioning during the second half of the football game.

WMAR apologizes for the inconvenience created by its oversight. Please know that the Station has instituted new procedures to ensure that its future broadcast of any

Ravens games will include closed captioning, and it will redouble its efforts to make sure that all other content always contains appropriate closed captioning.

Please contact me if you have any further questions concerning this matter.

Sincerely

A handwritten signature in dark ink, appearing to read "David M. Giles". The signature is fluid and cursive, with the first name "David" being more prominent.

David M. Giles

DMG/jk

cc: Susan Kimmel (via e-mail DROinquiries&complaints@fcc.gov)

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

October 10, 2012
(Brick) (WBAL)
FCC Case No. 12-C00417502-1

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

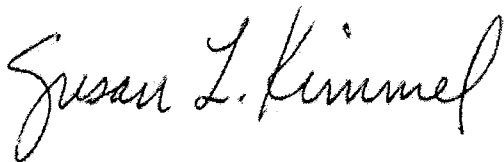
Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau



Admin 2000 [Switch to Admin1088]

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Form 2000C (Disability Access Complaint) : 12-C00417502-1

« Back to Complaints

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form
Email Factsheet(s)

USER FORM

User Complaint Number: 12-C00417502 Consumer Party History Consumer History Form History Edit Form

Complaint Source: Web Added User: Consumer

Submission date: 08/13/2012

CONSUMER'S INFORMATION

First Name: Kelby Last Name: Brick

Company Name:
(Complete only if you are filing this complaint on behalf of a company or an organization.)

PO Box:

Address1: 2118 Stonewall Road

Address2:

City: Catonsville

State: MD Zip Code: 21228

Telephone Number(Residential or Business): (443) 341 -4139 Ext:

E-mail Address: kelby@brick.fm

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
If yes, complete items a through h.
Your relationship with the party:

The party's first name:

The party's last name:

The party's daytime phone number: () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

WBAL
ATTN:
Wanda Draper
3800 Hooper Avenue
Baltimore, MD
21211

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- ☐ Letter ☐ Facsimile (fax) ☐ Telephone Voice
☐ TRS (designate form of TRS and appropriate contact information)
☐ TTY ☒ Internet E-mail ☐ ASCII Text ☐ Audio-Cassette Recording ☐ Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- ☐ Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
☐ Accessibility of emergency information on television
☒ **Closed Captioning**
☐ Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Video Description (audio narrated descriptions of a TV program's key visual elements)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: **WMAR, 6400 York Road Baltimore, MD 21212...AND...WBAL, 3800 Hooper Ave. Baltimore, MD 21211**

City: **Baltimore** State: **MD** Zip Code:

Telephone number: () -

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) **08/09/2012** Time: **08:00 PM** and any details of when the event or action you are complaining about occurred: **I watched the Baltimore Ravens' first pre-season game against Atlanta Falcons. It was not captioned. My first location: Buffalo Wild Wings Restaurant at Arundel Mills. All other games were captioned but not the Ravens game. Disappointed, I went home and turned on the TV. The game was STILL not captioned. Eventually sometime in the second half, the captions popped up. Due to the nature of the pre-season game, I wanted to watch the first half not the second half and am thus filing this complaint that the first half was not captioned.**

5. If your complaint is about access to emergency information on television, provide the following information:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV,"

"Sportingchannel West");

b. Channel (e.g., "13");

c. Station or subscription TV provider system location:
City: = County: State:

d. Date(s) and time(s) of emergency: and time

e.

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about video description or closed captioning on television, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"); WMAR and WBAL

b. Channel (e.g., "13");

c. Station or subscription TV provider system location:
City: **Baltimore County: BALTIMORE CITY State: MD**

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite): **BWW: their own subscription. HOME: FIOS.**

e. If you pay to receive television programming, name of company to whom you subscribe: **Verizon FIOS**

f. Name of program(s) involved: **Baltimore Ravens**

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. **This is not the first time I've complained about pre-season games not being captioned. I seek financial penalties as well as financial compensation.**

**CARRIER RESPONSE
COVER PAGE**

RECEIVED - FCC

NOV -5 2012

Federal Communications Commission
Bureau / Office

COMPLAINT # : 12-C00417502-1

CARRIER : WBAL

CONSUMER NAME : Brick



Carrier Instructions: To better assist the FCC in ensuring that carrier responses are attached to the correct complaint, this cover page has been provided to you for responding to the complaint referenced above. Please ensure that this page precedes your response to this complaint. If you have any questions, please contact your FCC POC.

FCC Instructions: When scanning the carrier's response, select file type "Carrier Response" and upload file to the complaint # noted above.

October 31, 2012

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
Attn: Susan L. Kimmel, Deputy Chief
445 12th Street, S.W.
Washington, D.C. 20554

Via Hand Delivery

Re: Official Notice of Informal Complaint, dated October 10, 2012
FCC Case No. 12-C00417502-1 (Brick) (WBAL)

Dear Ms. Kimmel:

This firm is counsel to WBAL Hearst Television Inc., licensee of Television Station WBAL-TV, Baltimore, Maryland ("WBAL").

This letter responds to the informal complaint submitted to the Federal Communications Commission ("FCC") by Mr. Kelby Brick pursuant to Section 713 of the Communications Act, 47 U.S.C. § 613, and Section 79.1 of the FCC's Rules, 47 C.F.R. § 79.1. This complaint has been assigned Case No. 12-C00417502-1 by the Disability Rights Office. WBAL received notice of Mr. Brick's complaint by Notice of Informal Complaint dated October 10, 2012, (the "Notice") delivered by U.S. Mail.

Mr. Brick's complaint reads, in relevant part:

"I watched the Baltimore Ravens' first pre-season game against Atlanta Falcons. It was not captioned. My first location: Buffalo Wild Wings Restaurant at Arundel Mills. All other games were captioned but not the Raven's game. Disappointed, I went home and turned on the TV. The game was STILL not captioned. Eventually sometime in the second half, the captions popped up. Due to the nature of the pre-season game, I wanted to watch the first half not the second half and am thus filing this complaint that the first half was not captioned."

The allegation that WBAL's airing of the Ravens pre-season game did not contain closed captions during the first half of the game is erroneous. Enclosed is a DVD containing a recording of the first half of the Ravens' August 9, 2012, pre-season game as it aired on WBAL. See Declaration of Jeffrey Halapin, ¶ 3. The recording demonstrates that WBAL's airing was closed captioned. See DVD and Declaration of Jeffrey Halapin, ¶ 3.

In light of the information provided herein, WBAL respectfully requests that the complaint against it be dismissed.

This Response is supported by the Declaration of Jeffrey Halapin, Director of Engineering for WBAL, and the Certification of Dan T. Joerres, President and General Manager of WBAL Hearst Television Inc., who has indicated that he has reviewed this letter in his capacity as an officer of the licensee and that to the best of his knowledge and belief the information herein is true and correct.

Should you have any further questions regarding the above-referenced complaint, please do not hesitate to contact the undersigned.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in black ink, appearing to read 'Stephen Hartzell', is written over the printed name.

Stephen Hartzell
Counsel to WBAL Hearst Television Inc.

Enclosures

cc: DROinquiries&complaints@fcc.gov
Susan L. Kimmel, FCC (via email)
Mr. Kelby Brick (via email and First Class U.S. Mail)

CERTIFICATION OF LICENSEE

I, Dan T. Joerres, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Certification. I am President and General Manager of WBAL Hearst Television Inc., licensee of WBAL-TV, Baltimore, Maryland ("WBAL"). I have held this position at all relevant times.


2. My signature below indicates, under penalty of perjury, that: I have reviewed the Notice of Informal Complaint dated October 10, 2012 ("Notice"), and am familiar with its contents; I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the best of my knowledge, information, and belief, I hereby verify the truth and accuracy of the information contained therein. To the extent that I do not have personal knowledge of any relevant facts, I am relying on the statements made in the Declaration of Jeffrey Halapin, which I have reviewed and with which I am familiar.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of his personal knowledge.

This, the 31st day of October, 2012.

By:



Dan T. Joerres
President and General Manager
WBAL Hearst Television Inc.

DECLARATION OF JEFFREY HALAPIN

I, Jeffrey Halapin, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration. I am Director of Engineering for WBAL-TV, Baltimore, Maryland ("WBAL"). I have held this position at all relevant times.

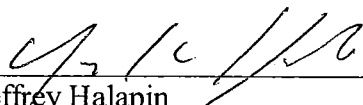
2. I have reviewed the Notice of Informal Complaint dated October 10, 2012 ("Notice"), and I am familiar with its contents. I submit this Declaration in support of WBAL's Response to the Notice. I have personal knowledge of all matters discussed in this Declaration. I have reviewed the foregoing correspondence from Stephen Hartzell in response to the Notice, and, to the extent set forth below, I hereby verify the truth and accuracy of the information contained therein.

3. Following receipt of the Notice, I located a recording of the August 9, 2012, Ravens pre-season game as it aired on WBAL. I recorded the first half of the game onto the DVD that is being submitted with WBAL's Response. The recording shows the closed captioning that aired on WBAL throughout the first half of the game.

[signature appears on following page]

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of her personal knowledge.

This, the 31st day of October, 2012.

By: 

Jeffrey Halapin
Director of Engineering, WBAL-TV

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

October 10, 2012
(Brick) (WBFF)
FCC Case No. 12-C00418877-1

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

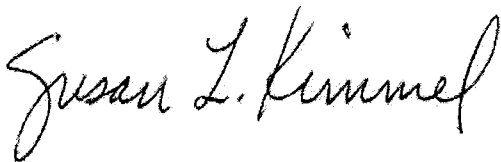
Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau



Admin 2000 [Switch to Admin1088]

HOME SERVE SEARCH NEW COMPLAINT ASSIGN ADMIN HELP DOWNLOAD

Basic Search Advanced Search

Carrier Lookup

NOIC WBFZ
FOR FCC INTERNAL USE ONLY
solita.griffis [ADMIN] Logout

« Back to Complaints

Form 2000C (Disability Access Complaint) : 12-C00418877-1

USER FORM

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form
Email Factsheet(s)

User Complaint Number: 12-C00418877

 1 Consumer Party History 1 Consumer History 1 Form History

Edit Form

User Complaint Key: 12-C00418877-1

Complaint Source: Web

Added User: Consumer

Submission date: 08/17/2012

CONSUMER'S INFORMATION

 1 First Name: Kelby

Last Name: Brick

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

PO Box:

 1 Address1: 2118 Stonewall Road

Address2:

 1 City: Catonsville

State: MD Zip Code: 21228

 1 Telephone Number(Residential or Business): (443) 341 -4139 Ext:

 1 E-mail Address: kelby@brick.fm

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
If yes, complete items a through h.

Your relationship with the party:

The party's first name:

The party's last name:

The party's daytime phone number: () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- ☐ Letter ☐ Facsimile (fax) ☐ Telephone Voice
☐ TRS (designate form of TRS and appropriate contact information)
☐ TTY ☒ Internet E-mail ☐ ASCII Text ☐ Audio-Cassette Recording ☐ Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- ☐ Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))

☐ Accessibility of emergency information on television

☒ **Closed Captioning**

- ☐ Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Video Description (audio narrated descriptions of a TV program's key visual elements)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: WBFF Fox 45

City: Baltimore State: MD Zip Code: 21211

Telephone number: (410) 467-4545

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) 08/14/2012 Time: 11:45 PM and any details of when the event or action you are complaining about occurred: I am now watching the WBFF Fox 45 PostGame show. It is not captioned.

5. If your complaint is about access to emergency information on television, provide the following information:

- a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West");
b. Channel (e.g., "13");
c. Station or subscription TV provider system location:

City: County: State:

d. Date(s) and time(s) of emergency: and time

e.

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about video description or closed captioning on television, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"): **WBFF Fox 45**

b. Channel (e.g., "13"): **FOX 45**

c. Station or subscription TV provider system location:

City: **Baltimore** County: **BALTIMORE** City State: **MD**

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite): **Fios**

e. If you pay to receive television programming, name of company to whom you subscribe: **Fios**

f. Name of program(s) involved: **Ravens Post-Game Show**

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. **I am now watching the WBFF Fox 45 PostGame show. It is not captioned. I ask for financial penalties and compensation.**